



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,169	11/14/2001	Matthew G. Markstaller	450-55438	7337

24197 7590 03/05/2003
KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER

JENKINS, JERMAINE L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,169

Applicant(s)

MARKSTALLER ET AL.

Examiner

Jermaine Jenkins

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,13 and 23-38 is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,14-16,20 and 39-41 is/are rejected.
- 7) ☒ Claim(s) 6,7,10,11,17-19,21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 9, 14-16, 20 & 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicks in view of Meyer (4,735,085).

With regards to claims 1, 14 & 39, Nicks teaches a housing having an inlet and an outlet (Page 3, lines 1 & 2) with an air mover or fan used to create a flow of air through the housing in a direction (Page 4, lines 1 & 2), and a vehicle support positioned within the housing which has an inclined support surface that is angled with respect to the horizontal and is operable to support the vehicle such that the vehicle is biased toward movement in the first direction (Page 8, lines 25-26). However, Nick does not disclose a force measurer coupled to the vehicle and operable to measure the force resulting from the impact of moving air against the vehicle.

Meyer teaches the claimed limitation of the use of a strain gauge balance (52) coupled to a test model to measure force when flow field parameters are applied (Column 3, lines 54-64). To modify Nicks to include a force measuring device coupled to any test model would have been obvious to one of ordinary skill in the art at the time the invention was made since it is well known to attach any type of sensor to measure a specific influence as evident by the teachings of

Art Unit: 2855

Meyer. The use of sensors such as a force measurement strain gage for measuring forces is well known in the art, and Meyer exemplifies this technique.

With regards to claims 2-5, 40 & 41 Nick teaches a vehicle support positioned within the housing that has an inclined support surface that is angled with respect to the horizontal and is operable to support the vehicle such that the vehicle is biased toward movement in the first direction (Page 8, lines 25-26).

With regards to claims 8 & 20, Nick teaches a housing having an inlet and an outlet (Page 3, lines 1 & 2) with an air mover or fan used to create a flow of air through the housing in a direction (Page 4, lines 1 & 2).

With regards to claims 9, 15 & 16, Meyer teaches the use of a strain gauge balance (52) coupled to a test model to measure force when flow field parameters are applied (Column 3, lines 54-64).

Allowable Subject Matter

3. Claims 6, 7, 10, 11, 17-19, 21 & 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 12, 13, & 23-38 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter: The cited prior art does not disclose or suggest a plurality of ramps positioned to support the wheels of a vehicle being tested on respective inclined surfaces of the ramps to bias the vehicle, a plurality of air ducts, a plurality of air flow movers, a plurality of diffusers, a contraction cone

Art Unit: 2855

having a contraction cone air inlet in communication with the atmosphere and a contraction cone air outlet coupled to the forward end portion of the test section.

Response to Arguments

6. Applicant's arguments with respect to claims 1-5, 8, 9, 14-16, 20 & 39-41 have been considered but are moot in view of the new ground(s) of rejection.

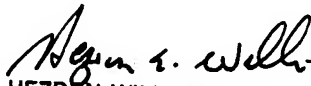
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermaine Jenkins whose telephone number is 703-305-3839. The examiner can normally be reached on Monday-Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 703-305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-7382 for regular communications and 703-305-3839 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Jermaine Jenkins
A.U. 2855
JJ
February 14, 2003


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800